



**City Council
Regular Meeting
Tuesday, May 16, 2006
7:00 P.M.**

The regularly scheduled meeting of the Trinity City Council was held on Tuesday, May 16 2006 at the Trinity Memorial United Methodist Church.

MEMBERS PRESENT: Mayor Frances Andrews, Council members Karen Bridges, Phil Brown, Barbara Ewings, Bob Labonte, Barry Lambeth, Dwight Meredith, Edith Reddick, and Miles Talbert.

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Administrator, Adam Stumb; City Clerk/FO, Debbie Hinson; City Engineer Randy McNeill; Members of the Press; and other interested parties.

Call to Order

Mayor Andrews called the May 16, 2006 Regular Meeting of the Trinity City Council to order at 7:07 pm.

Pledge of Allegiance

Mayor Andrews led the Pledge of Allegiance.

Invocation

The invocation was given by Council member Lambeth.

Welcome Guest and Visitors

Mayor Andrews welcomed and thanked all persons in attendance and for their interest in the City.

Review and Approval of Minutes

1. April 11, 2006 Pre-agenda Meeting
2. April 18, 2006 Regular City Council Meeting

Mayor Andrews opened this item and advised Council members that these minutes could be considered and one motion made for all minutes.

Motion by Council member Lambeth to approve the April 11, 2006 and April 18, 2006 Minutes as written, seconded by Council member Bridges and approved unanimously by all Council members present.

Public Concerns and Commendations

Citizens are invited to address the City Council on matters that are **not** scheduled as public hearings. **Speakers must sign up to speak prior to meeting;** when the Mayor calls your name, please step to the lectern and state your name and address for the record; remarks are limited to 3 minutes/speaker; speakers are encouraged to select a spokesperson if several people plan to make similar points. *(Policy adopted 2/17/04)*

Comments Concerning Item 7

Terry Riddick, 4194 Oak Haven, Trinity; Mr. Riddick discussed the tour taken by the Land Development Committee and others to look at development options that Trinity may want to consider. He discussed the traffic

generated from some of the higher density developments in comparison to what Trinity has. He asked that Council consider the distinctive qualities in Trinity and to hold on to them and not trade them away for dense development.

David Talbert, 7110 NC Highway 62, Trinity; Mr. Talbert advised Council members that he would like to address the Rezoning issue in Item # 7 on behalf of himself as a resident as well as a Pastor on behalf of members of the Trinity Memorial United Methodist Church. Pastor Talbert discussed traffic generated from the location of the schools in this vicinity and the dangers that this could pose for all persons that traveled this road.

Comments Concerning Item 12

Martha Ogle, 4227 Hopewell Church Road, Trinity; Ms. Ogle discussed petitions that she had generated and the number of signatures that were on each one indicated that many people in Trinity were opposed to a livestock Ordinance in Trinity. It was her feeling that people should not have severe restrictions placed on them in regards to their livestock since most of Trinity was rural. She asked Council to think strongly about this change since there were other places to live for those that were not animal people. Ms. Ogle discussed her contact with the City of Thomasville and the City of High Point concerning their Ordinances on livestock.

Gloria Gilbert, 5790 Joan Drive, Trinity; Ms. Gilbert advised Council that she was not opposed to animals in the right place; however she was against farm animals in a residential neighborhood. She discussed a family that had moved into her neighborhood that had 4 goats and staked them in the front yard. Ms Gilbert expressed her feelings concerning this type of animals located in a residential neighborhood.

Carrie McNeill; Ms. McNeill agreed with Ms. Ogle.

Michele Bowman, 5686 Wagoner Road, Trinity; Ms. Bowman discussed her experience as a Realtor in Trinity concerning request about animals. She stated that she had never been advised that any person wanted to move to Trinity because there were no animals. She discussed the number of residents that were opposed to the Ordinance change and in favor of continuing to allow livestock.

Andrea Wrightson, 4498 Jerry Street, Trinity; Ms. Wrightson stated she was in the location where this issue began. She discussed information that she had received concerning a decrease in property values. She discussed her tax appraisal value in comparison to the home located next door to her. This does not include the livestock or the completion of construction of their barn. She discussed her feelings concerning the amount of time that Council had spent on this issue that she felt should have been handled between neighbors. She discussed the issues previously addressed by her neighbors previously and stated that they were null. She also expressed her dislike of the fact that changes were being reviewed that would encompass the entire City.

Tony Dennis, 4431 Meadowbrook View Road, Trinity; Mr. Dennis discussed the horse he owned and the role that this horse played in his neighborhood. He discussed how his horse was enjoyed by the children in his neighborhood. He discussed the 5 acre proposal and stated it was his feelings this requirement was excessive. He asked Council to consider limiting the number of animals allowed based on the acreage (1 animal per acre). It was his feeling if the number of animals were controlled based on the amount of acreage it would address the problem.

Opening Comments from Members of Council

None

Reports/Funding Request

3. Report and funding request for Randolph County Senior Adults Association (Candie Rudzinski, Executive Director)

After this item was opened by Mayor Andrews, Mr. Rudzinski advised Council that she was requesting \$9,509 for FY 06-07 from the city of Trinity, which was the same allocation as requested for the past 2 years. She advised Council that although these funds are usually not designated for a specific purpose, the amount requested covers the cost of purchasing home delivered meals for an average of 14 clients for 240 serving days for one year at a cost of \$2.83 per meal.

Motion to approve the request for \$9,509 by Council member Talbert seconded by Council member Ewings and approved unanimously by all Council members present.

4. Randolph County Business Center/Incubator Presentation and Request (Beverly Nelson, President, Archdale-Trinity Chamber of Commerce)

Ms. Nelson advised Council that she was here to present information and make a request on the business incubator. She discussed the background of the incubator stating that there were 1,000 incubators in North America and 4,000 world wide and 32 in North Carolina. At some point 38% of existing small business owners have used an incubator service. Incubators can offer basic business support, legal advice, human resources support, contact to specific service providers, networking and training seminars, and some actually offer manufacturing space. A feasibility study was completed by UNCG to determine if Randolph County could support an incubator. The recommendations and conclusions from this study indicated that Randolph County possesses the necessary community support and need for the services offered by a small business incubator, to establish a small business incubator as a non-profit 501-C3 organization, create one (1) organization structure and split facilities in Asheboro and Archdale-Trinity.

The proposal that I am presenting to Council is to apply for a CDBG Grant through the Rural Center which will allow a mixed use incubator, with anchor tenants, and a small business center. The deadline for the Pre-application is May 19, 2006. The applicant must be a city with a building to house the incubator and 2 CDBG Hearings must be held, one prior to May 19, 2006. The City of Trinity has already met that requirement. The City may not receive more than 1.25 million funds in one (1) year and can not be an entitlement community. Funds can only be used to build a facility, renovate, or lease a building.

This is an opportunity for the City of Trinity to support the creation and expansion of small business, to get funds that do not have to be matched, partner with Archdale, Randolph County and Randolph Community College to create the first County Incubator. The Grant application will be prepared by the Chamber with a consultant and grant writer hired by Randolph Community College. This is also an opportunity to bring some outside agencies to Archdale-Trinity.

Because there is a building in Archdale that may be made available we will file the Pre-Application in the name of Archdale. Randolph County EDC has created a foundation that can serve as the financial administrator of the funds.

I am asking Council's permission to pursue the application with the City of Trinity as an applicant if a building site becomes available in the City. If we make the first cut and move forward in the Grant process and we find a building that is appropriate in the City of Trinity the Rural Center would allow us to switch the applicant from Archdale to Trinity.

There was a brief discussion between Ms. Nelson and Council members concerning how this might create competition for existing businesses. Ms. Nelson advised Council that local businesses benefited because incubator businesses become their clients.

Motion by Council member Talbert to approve the request to pursue the Pre-Application, seconded by Council member Ewings and approved unanimously by all Council members present.

5. Request by Tri-County Amateur Radio Club to allow use of City property on June 24 and 25, 2006 for annual 24-hour preparedness drill (John Loflin)

John Loflin, member of the Tri-County Radio Club requested permission to use City property on June 24, 2006 from 9:00 am to 9:00 pm to complete a 24 hour natural disaster preparedness drill.

After discussing the importance and need for this type of training, ***Council member Ewings made a motion to approve the request, seconded by Council member Meredith and approved unanimously by all Council members present.***

6. Wastewater Projects Update (Randy McNeill, Davis-Martin-Powell & Associates.)

Mr. McNeill discussed and reviewed the Wastewater Projects Update with Council.

After the review, Council members and Mr. McNeill discussed the extension granted to Terry's Plumbing on the Colonial Heights Project as well as the length of time needed to finish the project. Mr. McNeill advised Council the contractor was responsible for any extra cost billed to the city since February. Also discussed was complaints received by Council from residents in regards to cut utility and cable lines and the lack of response and attitude projected to the citizens when questions were asked. Mr. McNeill advised Council that the sewer line was extremely

deep in that area however the contractor must make contact with appropriate persons for repair. Mr. McNeill advised Council the inspector will follow up with the property owners in an effort to address this issue.

Procedural Business

7. **Rezoning request #Z06-03, to rezone property located at Braxton Craven Rd., further identified as Randolph County tax parcel number 7708710649.**

Request is to rezone the property from R-40 (Residential) to HC (Highway Commercial). Property is owned by Walter Ashe. (Public Hearing was held at April 18 Council Meeting.)

Mr. Stumb advised Council this tract consisted of approximately 4 ½ acres and was owned by Walter Ashe. The current zoning for this property is R40 and the requested change is to rezone to Highway Commercial that allows a number of commercial uses.

This request was reviewed by the Planning/Zoning Board on March 28, 2006 and voted to recommend denial of this request 4 to 3 with 1 member being absent from the meeting. In addition staff also recommended denial of this request.

Motion by Council member Ewings to not approve this request at this time based on the traffic flow, lack of sewer and other matters that may hinder, seconded by Council member Meredith

The vote was 4 Aye and 4 Nay. Mayor Andrews broke the tie vote by voting to deny the request.

Voting to Deny the Request

Council members Ewings, Meredith, Lambeth, and Labonte, tie breaking vote Mayor Andrews

Voting not to Deny the Request

Council members Bridges, Brown, Reddick, and Talbert

Public Hearings*

8. **Special Use Request #SPU06-03. Request from Mid Atlantic Development Group to allow Townhomes. Property is located on Unity St., further identified as Randolph County tax parcel 6787945980 and located within Colonial Village development.**

Mayor Andrews opened the Public Hearing and advised those speaking for or against the request to be sworn in by the clerk prior to speaking.

Mr. Stumb advised Council this SU Request was to develop approximately 42 townhomes (168 units) consisting of 4 double units and 2 single on property located along Unity Street. This development is a part of the Colonial Village Subdivision and consists of approximately 15 ½ acres. This property was rezoned to a special zoning district (Trin-Thom) on August 25, 2004. General Zoning in this area is R40 to the south and east. Also located in this subdivision is highway commercial and higher density residential beside the commercial and adjoining this development. There is a wet detention pond in the southern portion of this property and will be built as part of this development as well as part of the single family development.

There will be a 20 foot landscaping buffer. As part of the entire development in this area a turning lane is being constructed approximately the entire length of the development along Unity Street. The developer is planning on placing traditional lighting that will be spaced 200 to 300 feet apart according to the City Lighting Ordinance. The common area will be maintained by the Homeowners Association and will include the ponds, and streets.

Because this is a SU Permit (quasi-judicial) the 4 findings of fact must be met in addition to specific site design standards discussed earlier.

There was discussion between Council members and Mr. Stumb concerning street maintenance and the size of the extra lane. Mr. Stumb advised Council the streets will be maintained by Homeowners Association. The streets will be 25 feet in width which will be a little less than the state requirements for a public street. At this time we do not know what the thickness of the streets will be since the construction designs are not available. The turning lane that will be installed will be similar to the lanes on US Highway 311 and will allow traffic to turn both ways.

Speaking for the request:

Jim Lanik- Mr. Lanik, Attorney with Roberson, Hayworth and Reese representing Mid Atlantic Development Group. Mark Swartz president of this company passed out handouts to Council. Mr. Lanik asked Mr. Swartz to address the

last question asked by Council members regarding the streets. This is a down zoning from apartments to a less dense, more residential, upscale twin home development. These units are brick and stone construction and prices will start at \$225,000.00.

Mark Swartz: Mr. Swartz advised Council that he had several of the same developments in surrounding areas of Jamestown, Greensboro, and Asheboro. The engineers usually require an 8" base with 2" asphalt coverage for the streets. The streets will also have curb and gutter. Mr. Swartz advised Council the unit's size would start at 1,870 square feet. We offer options for bonus rooms that will add approximately 450 square feet as well as sun rooms that add an additional 200 square feet.

Speaking in opposition to the request:

Terry Riddick, 4194 Oak Haven Dr., Trinity: Mr. Riddick discussed the 25 foot street width in conjunction with the size of trucks (garbage and fire) and the obstructions that would be caused when cars were parked on the street side

Timothy Scott Riddick 241 Council Ridge Drive, Winston Salem: Mr. Riddick advised Council that he owned property in Trinity but currently lived in Winston Salem and was a Patrol Officer for Winston Salem. He stated that he was neither opposed or in favor of this development but did ask Council to consider a speed limit reduction in this area in an effort to prevent accidents.

Jim Lanik- Attorney for Mr. Swartz- Mr. Lanik addressed the entrance of the development and advised Council that the entrance to the development was moved down from the bend to address the issue discussed by Mr. Terry Riddick. There will be a deceleration lane as well for the entrance.

With no others speaking Mayor Andrews closed the Public Hearing and called for staff recommendations.

Staff Recommendation: Site Plan presented meets the specific designs standards for townhome development and staff recommends approval. In addition the Planning/Zoning Board recommended approval as well.

Motion by Council member Talbert made a motion to approve the Special Use Request based upon the four (4) findings of fact as listed and conditioned upon the assumption of the drainage pond by the property owner, seconded by Council member Meredith and approved unanimously by all Council members present.

Findings of Fact

- a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;***
- b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;***
- c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and***
- d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environs.***

8A. Special Intensity Allocation request (no public hearing)

Mayor Andrews opened this item to Council for discussion and or action.

Motion by Council member Bridges to approve the special intensity allocation for 38% built upon area, seconded by Council member Brown and approved unanimously by all Council members present.

9. Rezoning request #Z06-01CZ, to rezone property located at Collett Farm Rd., further identified as Randolph County tax parcel numbers 6797663725, 6797757381 and 6797653575. The request is to rezone the property from R-40 and RA (Residential) to RM-CZ (Residential Mixed – Conditional Zoning). The property is owned by Gary Loflin, Colonial Charter and RJM Development. (Tabled from April 18 Council meeting)

Mayor Andrews opened the Public Hearing and asked Mr. Stumb for comments on this item.

Mr. Stumb advised Council the current zoning of this property is RA and R40. The proposed zoning is RM (residential mixed). This district allows 3 units per acre for single family homes and allows multi-family not to exceed 25% of the entire project. The proposed use at this site is single family and townhomes or condominiums. The current zoning allows 40,000 square foot lots whereas the minimum lot size for the proposed zoning is 12,000 square feet. The total density for this development can not exceed 3 units per acre for single family. RA and R40 predominately allow single family, and some public project uses such as schools that require a Special Use Permit. The proposed zoning is conditional and the proposed uses that are being requested are single family and multi-family that will include townhomes and condominiums but will not include apartment development. Total acreage for this property is 147.75 acres.

A valid Protest Petition was received against this request therefore this request will require a ¾ vote of City council to approve this request. With an 8 member Board 6 votes will be needed to approve this request.

Council member Talbert asked if the condition for uphill sewer taps had been placed on this development. Manager Bailie advised member Talbert this would be done when the subdivision plans were reviewed. Council member Talbert stated that the city was building sewer from west to east and the developers put in the sewers for these developments. What we are asking is that uphill taps be put in so that the people that live uphill from this development can tap onto those sewer lines installed by the developer. Manager Bailie advised Council member Talbert that he could ask that this requirement be made a condition of this rezoning. Member Talbert stated that this should be made a conditioning of the rezoning.

Speaking For:

Hubert Leonard, 705 Nance Drive, Thomasville: Mr. Leonard advised Council his purpose was to talk of Gary Loflin's character and quality of buildings that he builds. Steeplegate is a shining light for the community.

Priscilla Swaim, 302 Freemont Drive, Thomasville: Ms. Swaim discussed her development (Breckenridge) that was developed by Mr. Loflin and agreed with Mr. Leonard's statement concerning the outstanding quality of his development. She discussed her experience with Mr. Loflin and stated that Mr. Loflin has been honest and accessible and responded to my questions quickly during the building process of my home. She discussed the size of her new home and the quality of life that she had experienced since moving to this area.

Mike Collins, 4355 Collett Farm Rd: Mr. Collins echoed some of the other comments made concerning Mr. Loflin and discussed Mr. Loflin's efforts to clean up property. He also discussed Mr. Loflin's assistance with the North Carolina DOT to get the state to take this road off of their frozen list for improvements or repairs. He discussed the location of the proposed development in location to his property which was across the street from his property. He advised Council that he was 100% in favor of this development and believed Mr. Loflin would build something that would be an asset to Trinity.

Rachel Slate, 3626 Steeplegate Drive: Ms. Slate discussed her move to the Steeplegate community that was developed by Mr. Loflin and discussed the quality of distinction she had found in her home. She discussed her experiences with Mr. Loflin and discussed her feelings of approval for development by Mr. Loflin. She felt that this development would play a part of getting more visibility to the City of Trinity that could help bring more shopping, restaurants, etc. to the City.

Todd White, 6999 Winners Circle: Mr. White reiterated comments about Mr. Loflin. It was his opinion that Mr. Loflin's projects are supreme and detailed. He felt this type of project would bring a quality to Trinity that will make residents proud to live here.

Troy Bowman 4599 Collett Farm Rd-: Mr. Bowman stated that his property was surrounded on 3 sides by this development. He discussed the history for this property and the fact that it had been used illegally as a city dump by people. He discussed Mr. Loflin's efforts to clean up this property. He also discussed the vision for Trinity. It was his opinion that vision requires growth and new development. This growth and development will add tax dollars and much needed revenue in the City. He asked Council to accept the challenge of this growth and to approve this rezoning request.

Gary Loflin- 7229 Bridlewood Dr.; Mr. Loflin discussed trees and environment and the important role that they played. He discussed the property he purchased that is now the Steeplegate Subdivision and the fact that at the time he purchased this property there were no trees. Steeplegate now has thousands of trees and 9 sediment lakes where there were none. These lakes purify the water and protect our natural resources. The State mandates development to protect the environment. He discussed property values, land quality, and water quality issues and how this development would increase property values and protect the land and water quality in this area. He discussed his thoughts on the City of Trinity in comparison to a new born and asked that Council support his request.

Speaking in Opposition

Terry Riddick 4194 Oak Haven Drive, Trinity; Mr. Riddick discussed the meeting in 1995 when the city incorporated. He discussed the request from Mr. Loflin and his opinion concerning this request. We are at a stage of negotiation and each side must determine what they are willing to do. Mr. Loflin has asked for 3 houses per acre.

The residents would like to know what you are willing to trade in order to accommodate a higher density development, if you know the direction that this will lead the City, and how you are going to get there.

Marcia Riddick, 7125 Turnpike Rd: Ms. Riddick discussed her feelings on this request and asked that Council cast 6 no votes. Our primary position has not been against the townhomes. However we are against 3 homes per acre. She asked Council to consider this request and discussed the letters and opposition voiced concerning this project. This project will generate approximately 700 new families and 2,100 new residents. This will in turn generate approximately 1,400 additional cars and bottleneaking of traffic. She discussed the limited city resources along with the possibility that Trinity will have to increase taxes to provide money for support of these changes. She discussed the residents desire to see infrastructure growth but it was her opinion that this could be done with 2 homes per acre rather than 3. She asked that Council members support the voters.

Timothy Scott Riddick, 241 Council Ridge Drive, Winston: Mr. Riddick reiterated some of the earlier comments made in opposition to this development. While he was not opposed to growth in Trinity it was his opinion that the best use for this property is residential, however he felt 3 homes per acre was too much. He discussed his feelings concerning the higher density development and his feelings that it will require more than this City can provide such as fire and police protection. He also discussed the fact that the City did not currently have a street division to keep the streets maintained and how the increased traffic and residents would play a part in all of these things.

Karen Riddick: Ms. Riddick read a statement on behalf of her parents. Included in the statement was the reasons they felt Trinity Incorporated and how this development with 3 units per acre will eliminate child games and the peacefully way of life currently experienced in Trinity will be impacted if approved. Also included were concerns about water runoff, and traffic.

Martha Ogle, Hopewell Church Road: Ms. Ogle expressed her concerns about the ability to provide law enforcement for the increase in population.

Charles Riddick- 5006 Westhaven Lane: Mr. Riddick stated he was not opposed to development in Trinity but was opposed to the density that would be allowed if this project was approved. He stated that he was not opposed to Mr. Loflin's vision but that the residents in this area had a smaller vision. The residents understand the need for taxes, but the residents would like to maintain the tradition that is currently enjoyed in Trinity.

Mark Akerman, 6832 Colonial Club Drive: Mr. Akerman stated he was opposed to this project for all valid reasons including the density issue. The City needs to grow in a manner that is right. He expressed his concerns that the quality of life now enjoyed by Trinity residents can be changed by 8 people. He asked Council to stay true to the Vision of Trinity.

At this time, Mayor Andrews closed the Public Hearing and called for staff recommendation.

Staff Recommendation: Mr. Stumb advised council that the Planning Board recommended 7 to 0 at their March meeting to recommend approval of this request. Staff does recommend approval of rezoning this property to RM 3 units per acre.

Discussion from Council:

Council member Reddick discussed her residence on Highway 62. She discussed the 4 lane roads in Archdale. If we put this many cars on 62 we will have problems. She discussed the earlier denial (second vote) because of traffic. I have no problem with what Mr. Loflin builds, but I do have a problem with 3 houses per acre.

Council member Labonte discussed the time length of the proposed project and the fact that the increased traffic count of 700 cars will not happen tomorrow and will probably be over the next 10 years. He discussed his experience with traffic on Highway 62 on a daily basis and did not feel that it was bad. Traffic is something Council can not control. Traffic will happen and take place. He discussed his former residence that was located on Welborn Road directly in front of the school and how he still visits this area to check the traffic flow.

Council member Talbert discussed R-12 Zoning already allowed in the City Ordinance that allows 3 houses per acre. The request we are considering for Mr. Loflin is not new. We have already approved one (1) very large development on the other side of Colonial Heights. This is not exactly new and not such a disaster.

Motion by Council member Ewings to approve the request as recommended by staff, seconded by Council member Talbert and approved 6 to 2 with Council members Reddick and Bridges voting Nay. (The recommendation to add the condition that the developer install uphill taps that would allow the people that live uphill from this development to tap onto those sewer lines installed by the developer was not agreed upon and therefore not added as a condition to this request.)

- 10. Rezoning request #Z06-04, to rezone property located at Welborn and Finch Farm roads, further identified as Randolph County tax parcel numbers 6797412387 and 6797613814. The request is to rezone the property from RA (Residential Agricultural) to HC (Highway Commercial). The property is owned by A.L. Honbarrier.**

Mayor Andrews opened this item and advised Council that staff had requested this item be tabled until next month.

Motion by Council member Brown to table this request until next month seconded by Council member Talbert and approved unanimously.

11. Text amendments to the Zoning Ordinance concerning the use of nonconforming lots and lots of record.

Mayor Andrews opened this item and turned discussion over to Mr. Stumb.

Mr. Stumb discussed the sections of the Zoning and Watershed Ordinances that contradict each other concerning lots of record. In the first paragraph of Article V, Section 5-3 a lot of record may be used with the issuance of a variance. In Article IX, Section 9-2 Nonconforming Lots of Record, a lot of record may be used if the setbacks and buffering requirements for the zoning district in which the lot is located can be met. Section 302 of the Watershed Ordinance allows the use of nonconforming lots with no variance.

In the same sections of the Zoning Ordinance there is another conflict in language. One section requires lots of record to be combined if there are two or more lots that do not meet the minimum requirements of the zoning district they are in. However in another section, lots of record of any size can be used if they are able to meet the setback and buffering requirements of the zoning district in which they are located.

After discussion at the Planning/Zoning Meeting and the Pre-Agenda Meeting of Council it was the consensus that there was no need for a variance for lots of record unless the set backs or buffering can not be met. The second question concerning the multiple lots of record and how to treat them were also discussed. My determination concerning direction from the Council in the situation where multiple lots exist was not to necessarily combine the lots but to make sure they conform to the neighborhood they are located in. Multiple lots need to conform to the lot size, and similar construction (to surrounding neighborhood) same construction such as brick or vinyl of the neighborhood. If someone does not agree their appeal will go before to the City Council rather than the Board of Adjustments.

Council member Talbert discussed the importance of making applicants conform to the setback and the likeness of the development. You would not want to have someone building 50 feet in front of you on an adjoining lot.

After further discussion between Mr. Stumb and Council members, Manager Bailie asked Council if they wanted to let the setbacks dictate whether the lot was developable or did they want to require a recombination of lots in single ownership to conform with the general lot size in the neighborhoods? If you let the setbacks dictate whether the lot is developable there may be 10,000 square foot lots in a neighborhood where the lot size is 20,000 square foot lots. Is this o.k. or do you want lot size to also conform to the neighborhood?

After discussion, ***Council member Meredith made a motion that Council pass this with the stipulation that the lots conform to the neighborhood if there is enough lots to conform. If not if the developer can meet the setbacks they be allowed to build upon the lots, and that the homes conform to the neighborhood that they are located in with regards to appearance, seconded by Council member Bridges. Prior to the vote, because the Public Comments had not been heard, Council member Meredith withdrew his motion and Council member Bridges withdrew her second.***

At this time Mayor Andrews opened the Public Hearing to anyone wishing to speak in favor of the text amendment changes.

Speaking in favor of the text amendment changes:

Terry Nall, 6969 Weant Road Archdale: Mr. Nall advised Council that he had built houses in several cities as well as counties. If I go into an area and homes are built on 50 foot lots that conforms these entities allow me to develop the smaller lots as long as I meet the setbacks. He discussed lots that he owned in the Colonial Heights and the fact that all of them were not 200 feet. I believe the restrictions are that there must be 4 consecutive lots to be built upon. There is nothing wrong with this type of development. Just because someone owns 4 lots and there are other homes in the development that are built upon 50 foot lots I do not think that you should have to recombine to make these lots 100 foot lots. I believe that a subdivision such as Colonial Heights have restrictions placed on the lots that were recorded. The deed restrictions should supersede any other stipulations.

Manager Bailie advised Council that the way the zoning officer was presenting this was the call on conformity would be made by the Zoning Administrator but if the applicant had issues with the determination made they would come to the Council with an appeal.

Speaking Against:

None

At this time Mayor Andrews closed the Public Hearing.

Mr. McNeill, City Engineer, Manager Bailie, Mr. Stumb, Attorney Wilhoit, and Council members discussed smaller lots of record being owned by 1 owner that created a large parcel that could be looked at as a minor subdivision and if Council was considering to allow the owner to be able to build 5 homes on his property because it is one (1) parcel. Also discussed was what constituted a minor subdivision in this case, how road frontage may play a part in this decision, and when the lots needed to be combined. Also discussed was the clarification between Attorney Wilhoit and Council that to allow development on these lots could create smaller lots in the city. Council members stated that was the reason the requirements that the setbacks be met was included. Attorney Wilhoit also discussed with Council the possible problems that may arise by allowing one (1) member of city staff to make an arbitrary decision concerning whether the proposed development fit in with the neighborhood. This could be considered to subjective.

After extensive discussion concerning how setbacks could be used as well as the combination of the smaller lots, and who enforces the conformance of standards, ***Council member Brown made a motion to table this item to allow the staff, engineer, and Attorney Wilhoit to explore the options available, seconded by Council member Lambeth and approved 6 to 2 with Council members Bridges and Reddick voting Nay.***

Council member Reddick discussed the confusion over this issue at the Pre-Agenda and her vote not to put this item on the Regular Meeting Agenda. That is why I voted nay during this vote

Unfinished Business

**12. Text amendments to Zoning and Subdivision ordinances concerning agricultural uses.
(Tabled from March 21 Council meeting; Public Hearing was held at that time)**

Mayor Andrews opened this item and turned discussion over to Mr. Stumb.

Mr. Stumb discussed the progressive approach taken by the Planning Board concerning this request. The Planning Board recommended dividing agriculture uses into 2 items (Field crops and Keeping of Livestock) with the following recommendations.

Field Crops

- 1. Field crops to be allowed in all zoning district**
- 2. Require new lots in the Residential Agriculture to be 5 acres or more**
- 3. Rezone parcels in RA Zoning District that was less than 5 acres to a R40 Zoning District. .**
- 4. Move the effective date back and make this retroactive to the end on this year. After investigation it was determined that this recommendation could not be done.**
- 5. That the fencing associated with the keeping of livestock meets the setbacks of 10 feet (sides) and 5 feet from the rear.**
- 6. To require a zoning permit for the fencing. A permit is already required for any building associated with livestock.**

Since Tuesday's Meeting the items listed below are what I believe are Council's interest on this item.

- 1. Field crops to be allowed in all zoning districts.**
- 2. Livestock Allowed only in the RA Zoning district (eliminate this from the R12, R20 and R40, Zoning Districts moving forward)**
- 3. Minimum lot sized for RA will be 5 acres for new lots (existing lot sizes less than 5 acres or outside the RA Zoning District would continue only for the life of the animal)**

Council members and Mr. Stumb discussed earlier conversation concerning rezoning of property and the fact that Council has never rezoned property unless the owner themselves asked for it. Mr. Stumb advised Council that it was the Planning Board recommendation to require rezoning on any property currently zoned RA that was less than 5 acres to R40.

There was discussion concerning how much property in the city was zoned RA and consisted of less than 5 acres. Mr. Stumb advised Council that there were 166 lots zoned RA with less than 5 acres.

Council Meredith discussed his feelings concerning the rezoning of property. It was his feelings that property should only be rezoned when requested by the owners and that they should not be bothered about their animals.

At this time Council member Meredith made a motion not to pass on any of this, to deny the proposed Zoning Text Amendments, seconded by Council member Brown.

There was further discussion prior to the vote. Council member Brown discussed his earlier conversation with Randolph County concerning their requirements for RA Zoning. The county requires 40,000 square feet in this zoning.

After further discussion, the vote to deny the Proposed Zoning Text Amendments was 2 Aye, and 6 Nay with Council members Meredith and Brown voting Aye. The motion to deny failed.

There was further discussion among Council members concerning the persons who signed the petition and how the proposed text amendments would affect them.

Manager Bailie advised Council that everything addressed in the petition had already been removed before tonight because of the revisions. Everything that was listed in the petition has been removed. There is a zoning permit that would be required for buildings for barns or accessory buildings.

After further discussion, ***Council member Talbert made a motion to allow livestock only in the RA Zoning District. There was no second to Council member Talbert's motion therefore the motion died on the floor.***

Council member Bridges made a motion to restrict livestock to the RA Zoning with a minimum lot size of 5 acres, seconded by Council member Talbert.

Prior to the vote, Council member Ewings asked how this affected the existing residents with animals. Mayor Andrews stated it did not affect existing residents at all. All residents who have animals will be grandfathered.

The vote was 3 Aye and 5 Nay with Council members Bridges, Reddick, and Talbert voting Aye. The motion was denied.

Council member Lambeth made a motion to restrict livestock to RA Zoning with a minimum lot size of 2 1/2 acres from this point forward, seconded by Council member Bridges and approved 7 to 1 with Council member Meredith voting Nay.

(A previous motion made by Council member Lambeth and seconded by Council member Reddick was never acted upon)

New Business

13. Presentation of proposed budget for Fiscal Year 2006 – 2007 (Ann Bailie, City Manager)

Mayor Andrews opened this item and turned discussion over to Manager Bailie.

Manager Bailie read the City Managers Budget Message (attached) with Highlights listed below.

The proposed budget for the 2006-2007 fiscal year is \$2,861,295, a decrease of forty five percent (45%) or \$2,296,275 compared to the current budget as amended (\$2,861,295/FY 06-07 v. \$5,157,570/FY05-06). The decrease is due primarily to the near completion of the Local Sewer Capital Project, also known as the Colonial Heights project.

The budget includes proposed revenues and expenditures for the General Fund, the Sewer Fund, the Colonial Heights project fund, the Parks and Recreation Fund as well as the direction of seventy-five percent of the City's projected sales tax revenue to the Grant/Bond Capital Project Fund to help pay for sewer extensions (Phases 2 – 5). A summary of revenues and expenditures for capital projects Sewer Phase 1 – Phase 5 and the CDBG Darr Rd. project is attached.

GENERAL FUND

The proposed General Fund budget is forty-four percent (44%) less than the current budget as amended or \$1,038,211. (\$2,362,795/FY 06-07 v. \$3,401,006/FY05-06). This is primarily attributable to the near completion of the Colonial Heights sewer project. For the second consecutive year, seventy-five percent (75%) of projected sales tax revenue is proposed to be restricted to pay costs and debt service on sewer projects Phases 2 – 5. City officials have generally agreed and City residents expect that costs associated with these projects will be met in this manner rather than through increased property taxes. The amount of sales tax directed to the Grant/Bond Capital Project Fund in this budget is \$848,250.

Transfers from the General Fund total:

- \$ 230,000 to the Colonial Heights Sewer Project Fund;
 - 87,425 to the Sewer Fund; and
 - 848,250 to the Grant/Bond Capital Project Fund for sewer phases 2-5
 - 17,500 to the Parks and Recreation Fund
- \$ 1,183,175 Total transfers from General Fund**

Forty-six percent (46%) of the budget relates directly to building and operating the sewer system.

Programs

Many of the programs currently budgeted are included in the proposed budget, although some have been modified or enhanced. New ones have been added:

1. Law Enforcement. The Randolph County Sheriff's Department has proposed assigning a deputy to patrol Trinity at a cost of \$17/hour. Included in this budget is \$50,000 to pay for law enforcement within the City limits at the rate of eight (8) hours/day; seven (7) days/week. Hours would be staggered and schedules matched to the needs of the City. Sheriff Hurley has agreed to provide Trinity a report on crime patterns within the City to assist with scheduling. As growth in the City occurs, law enforcement will quickly become a priority.

2. Solid Waste. City Haul continues to be, arguably, the City's most popular program. Preliminary reports show that the program just ended surpassed the previous six-day event. The program is currently underfunded at \$25,000. The proposed budget increases funding to \$40,000 and includes funds make improvements to the recycling site.

2. Land Development Planning. City officials appropriated funds for the land use plan which is currently in draft format. A city wide meeting was held last December to give residents the opportunity to tell City officials what they liked and disliked about Trinity and what they wanted in the future. This information was compiled into the draft report which was presented to City officials last week. It will be presented to City residents on June 8. Once approved, the plan will be a visual guide for growth. It will allow residents, property owners and developers to see where the City expects development and what kind it wants.

Approximately \$40,000 is proposed to continue planning for growth through development of a small area plan. This could be a site plan for city-owned property or for some other area identified. The proposed budget for 2006-2007 is \$2,861,295, a decrease of 45% or \$2,296,275 compared to the current budget. This decrease is primarily due to the near completion of the Colonial Heights project.

At the conclusion of the Budget Message, *Council member Meredith made a motion to add the Budget to the May 30, 2006 Special Called Meeting, seconded by Council member Lambeth and approved unanimously by all Council members present.*

14. Resolution in Support of the 2006 Clean Water Bond

Mayor Andrews opened this item and advised Council support for this item had been requested for a 1 million bond in the 2006 Session to fund construction and repair of water/sewer and stormwater facilities and to develop a plan for sustained funding.

Motion by Council member Brown to approve the Resolution in support of the 2006 Clean Water Bond seconded by Edith Reddick and approved 7 to 1 with Council member Bridges voting Nay.

15. Re-adoption of Fair Housing Resolution, a condition of the Darr Rd. Community Development Block Grant

Motion by Council member Ewings to accept the re-adoption of the Fair Housing Resolution seconded by Council member Talbert and approved unanimously by all Council members present.

16. Authorization for City Hall Improvements

Motion by Council member Bridges to approve expenditures of \$10,000.00, seconded by Council member Ewings and approved 7 to 1 with Council member Meredith voting Nay.

Business and Closing Comments from Mayor and Council

Council member Reddick stated that she would like to see the Booster Club and the Friends of Trinity thanked for their work at City Haul. Their efforts were appreciated by Council.

Business from City Manager

None

Adjournment

With no other business to discuss, motion by Council member Ewings to adjourn the May 16, 2006 Regular Meeting, seconded by Council member Meredith and approved unanimously by all Council members present.

These minutes were approved by the Trinity City Council at their Regularly Scheduled Meeting held on June 20, 2006 upon motion by Council member Brown, seconded by Council member Ewings, and approved unanimously by all Council members present.